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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 POSTESCU AUREL,)
09 Petitioner,) CASE NO. C14-0459-JCC-MAT
10 v.) REPORT AND RECOMMENDATION
11 ICE FIELD OFFICE DIRECTOR,)
12 Respondent.)
13 _____)

14 *Pro se* petitioner Postescu Aurel is a native of Romania who is currently detained at the
15 Northwest Detention Center under an order of removal, review of which is pending before the
16 Ninth Circuit.¹ *See Aurel v. Holder*, No. 13-72468 (9th Cir. 2013). This is the second
17 petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 that he has filed in the last year.
18 On October 28, 2013, the Honorable Ricardo S. Martinez denied his first petition as moot
19 because he received the requested relief—a constitutionally sufficient bond hearing before an
20 immigration judge—and was granted a \$10,000 bond. *See Aurel v. ICE Field Office Director*

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22 ¹ When petitioner filed for review in the Ninth Circuit, execution of his removal order
was temporarily stayed pending further order. *See Aurel v. Holder*, No. 13-72468, Dkt. 1. On
May 20, 2014, the Ninth Circuit denied his petition for review of the removal order, but it has
not yet issued the mandate or lifted the stay. *See id.*, Dkt. 17.

01 (“*Aurel I*”), No. 13-627-RSM, Dkt. 15 at 4. In the instant action, filed five months later,
 02 petitioner seeks the same relief. *See* Dkt. 1 at 2.² Respondent has moved to dismiss, arguing
 03 petitioner’s circumstances have not materially changed since his first petition and he is not
 04 entitled to another bond hearing. Dkt. 8. The Court agrees.

05 When an alien’s removal has been stayed pending judicial review of the order of
 06 removal, as is the case here, the alien is detained pursuant to the Attorney General’s
 07 discretionary authority under 8 U.S.C. § 1226(a). *Casas-Castrillon v. Dep’t of Homeland*
 08 *Sec.*, 535 F.3d 942, 951 (9th Cir. 2008); *Prieto-Romero v. Clark*, 534 F.3d 1053, 1065-66 (9th
 09 Cir. 2011). Such aliens are entitled to a “*Casas*” bond hearing to establish whether their
 10 release would present a danger to the community or a flight risk. *Casas-Castrillon*, 535 F.3d at
 11 951; *Prieto-Romero*, 534 F.3d at 1065-66; *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir.
 12 2011). If the immigration judge grants bond, the court is not permitted to review the
 13 reasonableness of the bond amount. *See Prieto-Romero*, 534 F.3d at 1067 (declining to review
 14 reasonableness of \$15,000 bond alleged to be too expensive for the petitioner to afford);
 15 *Karanja v. Clark*, No. C08-1351-TSZ-BAT, 2009 WL 86489, at *4 (W.D. Wash. Jan. 12, 2009)
 16 (concluding that the court was not entitled to review the petitioner’s allegedly excessive
 17 \$20,000 bond).

18 As Judge Martinez found, petitioner received a *Casas* hearing that comported with the
 19 due process requirements established by the Ninth Circuit. *See Aurel I*, Dkt. 15 at 3-4. In
 20 fact, petitioner was granted a \$10,000 bond. *See id.* The statutory basis for petitioner’s
 21 detention has not changed since Judge Martinez’s order, and the Court cannot review the

22 ² Unless otherwise noted, references to “Dkt. __” refer to the instant matter, Case No. 14-459-JCC-MAT.

01 reasonableness of the bond amount. Because petitioner has already been given the only relief
02 to which he is entitled—a *Casas* bond hearing that comports with due process—his claim must
03 be denied as moot. *See Flores-Torres v. Mukasey*, 548 F.3d 708, 710 (9th Cir. 2008)
04 (dismissing as moot portion of habeas petition challenging detention without bond upon grant
05 of bond hearing).

06 For the foregoing reasons, the Court recommends GRANTING respondent's motion to
07 dismiss (Dkt. 8), DENYING petitioner's habeas petition (Dkt. 1), and DISMISSING this action
08 with prejudice. A proposed order accompanies this Report and Recommendation.

09 DATED this 23rd day of June, 2014.

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12 Mary Alice Theiler
13 Chief United States Magistrate Judge
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